

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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CHRISTOPHER M. WALTERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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ORDER

16-cv-432-jdp

Petitioner Christopher M. Walters has filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Dkt. 2. Petitioner contends that under *Johnson v. United States*, 135 S. Ct. 2551 (2015) (*Johnson II*), and *Johnson v. United States*, 559 U.S. 133 (2010) (*Johnson I*), his prior robbery conviction under Wis. Stat. § 943.32(1)(a) no longer qualifies as a “crime of violence” under § 4B1.2 of the United States Sentencing Guidelines, and, as a result, his sentence is invalid. *Id.*

Petitioner has filed a motion to stay briefing on his petition, in light of the fact that the Seventh Circuit is poised to decide whether *Johnson II* applies to prisoners sentenced as career offenders under the sentencing guidelines’ residual clause, § 4B1.2(a)(2). Dkt. 1. The court agrees that pending Seventh Circuit decisions may provide important guidance on the issues in this case, and the court will therefore grant the motion to stay.

Publicly available records indicate that petitioner’s anticipated release date is August 2017, which means that petitioner does not have an abundance of time to secure meaningful relief. Accordingly, the court will stand ready to lift the stay and set briefing on petitioner’s request if the Seventh Circuit decisions take longer than expected.

ORDER

IT IS ORDERED that:

1. Petitioner Christopher M. Walter's motion to stay, Dkt. 1, is GRANTED.
2. Petitioner will notify the court as soon as the Seventh Circuit issues its decisions in *United States v. Gillespie*, No. 15-1686 (7th Cir.), *United States v. Hurlburt*, No. 14-3611 (7th Cir.), and *United States v. Rollins*, No. 13-1731 (7th Cir.).

Entered June 22, 2016.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge